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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,419	08/26/2003	David E. Weidner JR.		5261

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David Eugene Weidner Junior  
10904 East 18th Ave  
Spokane Valley, WA 99206-5618

EXAMINER
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AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/649,419

**Applicant(s)**

WEIDNER, DAVID E.

**Examiner**

Nicholas Augustine

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/02/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

A. The below mentioned is the content of the specification which is required. The listing of this is to aid the applicant with some of the objections and rejections made by the examiner.

### Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive; preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication, which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

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- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application, which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

B. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

***Specification***

1. The abstract of the disclosure is objected to because the abstract has more than one paragraph. The abstract can only be one paragraph long. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities: Incorporate by reference statement (page 1, line 20) is not appropriate. It must be cited within the specification what patents are to be incorporated by reference.

Appropriate correction is required.

3. Claims 1-9 are objected to because of the following informalities: Claims are not in proper format. It is unclear of the dependency of claims 2-9. Whether or not claims 2-9 should be dependent of claim 1 or if claims 2-9 are to be entirely independent from one another. See MPEP 608.01. Appropriate correction is required.

***Claim Objections***

4. Claims 1-5 and 7-9 are objected to because of the following informalities: The claims recite multiple times of lack of antecedent basis. The claims were not written in proper format to where the claim terminology was not properly addressed. These claims and their terminology are:

As for claim 1 recites the limitation "the drawing" and "the integration" in lines 16 and 17.

As for claim 2 recites the limitation "the representation" and "the graphic object interface link" in line 21.

As for claim 3 recites the limitation "the project" in line 1.

As for claim 4 recites the limitation "the graphic object interface (GOI)" in line 9.

As for claim 5 recites the limitation "the GOI project management invention" and "the object" in lines 16 and 20.

As for claim 7 recites the limitation "each item" and "the graphic object interface (GOI)" in line 3.

As for claim 8 recites the limitation "the present invention" in line 7.

As for claim 9 recites the limitation "the program" in lines 14 and 16.

Appropriate correction is required.

### ***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the: "3 dimensional format including 3 dimensional link", "invention being used on a computerized platform



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that of local, networked and/or (GPS, On Star, DVD)", computer device connected in a network and/ or connected to a printer", "steps/flow chart of remote operations or running updates for the invention" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***



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6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 2-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter: (visible, invisible attributes, 2 and 3 dimensional formats/ GOI formats/ link/ drawing, information items, GPS, On Star, DVD, vehicle onboard computer system, trouble shooting, operation without a manual, network, printing remotely, module of menu system, URL's, remote operations, running updates, equipment maintenance, use of database for maintenance, item) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (Page 1, lines 14, 17-20 and 22) (Page 2, lines 4-6, 9, 12, 14, 16-19).

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-5 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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10. Regarding claims 1-5 and 8-9, the phrases "Menus or computer platform programs", "link maybe represented", "it maybe represented", "licensed or proprietary computer based platform", "onboard systems or portable media", "managed or operated", "manual or other", "computerized systems or a networked computer", "equipment maintenance or other databases" renders each of the above mentioned claims indefinite because the claims do not provide a definite method of how the presented invention works, thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). (Pg.1, lines 13,22,23; pg.2, lines 2,13,18,20,21; pg.3, lines 8 and 15). Please better define the scope of the claim language by setting a definite definition. (I.e. ...at least one of vehicle onboard computer systems, DVD, or any other portable media...)

***Claim Rejections - 35 USC § 101***

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The above-mentioned claims are directed to

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an abstract idea with no useful result as well as being non-novel; therefore the above-mentioned claims are not statutory under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft (Internet Explorer Version 6.0.2800.1106.xpsp1.020828-1920CO).

As for independent claim 1, Microsoft teaches menus or computer platform programs are imbedded into computer based project representations which are used to facilitate the construction, repair or maintenance of one or more project items represented within the drawing and connected through the integration of more than one relational or non-relational link called a graphic object interface (Fig.2 and 3; As shown in the figures noted, the user can manage the navigation of a data source(s) through use of Microsoft's teachings thus allowing the user to construct a personal navigation menu set, edit/ repair the menu set as well as make further editing needs and adding to the set or in other words maintaining the menu set. The menu set shown has relational links

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consistent with the current data source shown in figure 4 as well as non-relational links as shown in fig.2 and 6 (where non-relational links are that of information not apart of the current data source being displayed); where the menu has all of the available able options to navigate to any one point within the data source it is understood and well appreciated that the user can access another data source and still have an easy open menu set which will navigate the user back to the initial location or any other location.)

As for independent claim 2, Microsoft teaches the representation of the graphic object interface (GOI) link may be represented by visible or invisible attributes, and if the attribute is visible, it may be represented by any color, number or other informational symbol (fig.2 "visible icons" and "Invisible area" also known in the art as hotspots; the invisible area is commonly know in the art to be an area defined by the programmer wherein the user can click anywhere within the area to be linked to a data source or the like).

As for independent claim 3, Microsoft teaches the project being managed may be represented using a licensed or proprietary computer based platform in 2 Dimensional or 3 Dimensional formats, including 2 Dimensional or 3 Dimensional GOI formats with the ability to have a 2 Dimensional link within a 3 Dimensional Drawing and a 3 Dimensional link can be imbedded into a 2 dimensional drawing (fig. 12-14; Microsoft discloses a software capable of showing 3 dimensional drawings as well as two dimensional drawing along with two and three dimensional icons which represent links.

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It is appreciated in the art the software disclosed from Microsoft renders information from different data sources, said information can vary form format, style, appearance, etc).

As for independent claim 4, Microsoft teaches the graphic object interface (GOI) directly links a variety of information items such as but not limited to menus, programs, databases, Internet links, video, any other multimedia, files with other project related links to other informational items in a relational or non-relational manner (fig.2 and 6).

As for independent claim 5, Microsoft teaches the GOI project management invention when combined with computerized platforms such as those used in DVD, vehicle onboard computer systems, or any other portable media would allow the user to troubleshoot problems within the object being managed or operated without a printed manual or other associated support material (Of course it is well appreciated to one skilled in the art that the program taught by Microsoft comes in a form of a DVD/CD and can be played on any computer environment such as that mentioned above regardless of use of the computer.

As for independent claim 6, Microsoft teaches a menu with a database incorporated into it will provide for automated maintenance to be preformed by the owner of the property and alternately when connected to a network, can be printed from anywhere in the program to include all of the pertinent information for the equipment to be maintained

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(fig.5, to those skilled in the art it is well appreciated that this system as designed to be ran on a computer can be ran on a portable computer such as that of a vehicle onboard computer system, as well as those skilled in the art will appreciated that this system poses the basic functionally of navigating through any data source pending on the end user the user can construct a navigational menu or the manufacture can already have constructed a navigational menu wherein acts to help with a trouble shooting guide for users. The idea of a trouble shooting guide is to have multiple links that interconnect amongst different data sources to quickly and easily find information on a topic of interest which is shown by Microsoft as in figures 2-5).

As for independent claim 7, Microsoft teaches each item in the graphic object interface (GOI) (fig.6 "auto" icon depicted in the left portion of the figure) will be a project management module with its own menu system able to operate independent of a menu if so desired (fig.6; wherein it is apparent that the auto icon has its own sub set of menu options, just like the feature shown in figure 3 "main" icon).

As for independent claim 8, Microsoft teaches the present invention will be able to work off an individual computerized system, or a networked computer from a centralized location directly hooked to a piece of equipment (fig.10; it is appreciated in the art the figure noted shows operating related programs providing proof of evidence of an individualize computer which is networked as well as connected to a plurality of equipment.)

As for independent claim 9, Microsoft teaches URL's may be contained in the present invention which can be used to link to the Internet to perform remote operations (figure 3, "opening of a new data source") or run updates for the program, equipment maintenance (figure 11; the static menu to the left is user or manufacture defined and as well can be edited/ maintained at anytime) or other databases used to maintain (figure 6, "mapping to a data base"; a well appreciated function included with Internet explorer that allows the user to map a virtual drive to a data source such as a database) or item that the program was designed to serve (figure 6 as noted above).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kenyon, Jeremy A. – (US 7,111,249) "Communication and/or transaction with client through active management of a client menu hierarchy.
- Brwster, Donald C. – (US 6,600,502) "Immersive interface interactive multimedia software method and apparatus for networked computers"



***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847.. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



N. Augustine  
11-21-06

Nicholas Augustine  
Examiner  
AU: 2179



WEILUN LO  
SUPERVISORY PATENT EXAMINER